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## FACSIMILE TRANSMISSION

Total # of Pages 45 (including this page)

TO:	PHONE #:	FAX #:
Examiner S. Haq, Group Art Unit U.S. Patent and Trademark Office	(571) 272-6103	(571) 273-6103 and (571) 273-8300

From :	Stephen E. Reiter <i>SR</i>
Email Address :	sreiter@foley.com
Sender's Direct Dial :	858.847.6711
Date :	October 14, 2005
Client/Matter No :	063391-0202
User ID No :	1877

## MESSAGE:

Re: U.S. Patent Application No. 10/049,164

Following are:

- 1) Transmittal (3 pgs.)
- 2) Supplemental Communication and Affidavit Under 37 CFR 1.131 (41 pgs.)

If there are any problems with this transmission or if you have not  
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FOLEY &amp; LARDNER LLP

DLMR\_276369.1

OCT 14 2005

Atty. Dkt. No. 063391-0202

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Matthew Patricelli

Title: ACTIVITY BASED PROBE  
ANALYSIS

Appl. No.: 10/049,164

Filing Date: 10/21/2002

Examiner: S. Haq

Art Unit: 1641

Conf. No. 6075

<b>CERTIFICATE OF FACSIMILE TRANSMISSION</b>	
I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office, Alexandria, Virginia on the date below.	
_____ Stephen E. Reiter (Printed Name)	
_____ (Signature)	
_____ October 14, 2005 (Date of Deposit)	

**TRANSMITTAL**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Transmitted herewith is a Supplemental Communication in the above-identified application.

[ X ] Small Entity status under 37 C.F.R. § 1.9 and § 1.27 has been established by a previous assertion of Small Entity status.

[ X ] Executed Affidavit Under 37 CFR 1.132 is enclosed.

[ X ] The fee required for additional claims is calculated below:

	Claims As Amended		Previously Paid For		Extra Claims Present		Rate		Additional Claims Fee
Total Claims:	21	-	36	=	0	x	\$50.00	=	\$0.00
Independent Claims:	2	-	5	=	0	x	\$200.00	=	\$0.00
First presentation of any Multiple Dependent Claims:							+	\$360.00	= \$0.00
CLAIMS FEE TOTAL									= \$0.00

DLMR\_276410.1

In re application of  
Matthew Patricelli  
Application No.: 10/049,164  
Page 2 of 3

Atty. Dkt. No. 063391-0202

- ☐ Applicant hereby petitions for an extension of time under 37 C.F.R. §1.136(a) for the total number of months checked below:

<input type="checkbox"/> Extension for response filed within the first month:	\$120.00	\$0.00
<input type="checkbox"/> Extension for response filed within the second month:	\$450.00	\$0.00
<input type="checkbox"/> Extension for response filed within the third month:	\$1,020.00	\$0.00
<input type="checkbox"/> Extension for response filed within the fourth month:	\$1,590.00	\$0.00
<input type="checkbox"/> Extension for response filed within the fifth month:	\$2,160.00	\$0.00
EXTENSION FEE TOTAL:		\$0.00
<input type="checkbox"/> Statutory Disclaimer Fee under 37 C.F.R. 1.20(d):	\$130.00	\$0.00
CLAIMS, EXTENSION AND DISCLAIMER FEE TOTAL:		\$0.00
<input checked="" type="checkbox"/> Small Entity Fees Apply (subtract ½ of above):		\$0.00
TOTAL FEE:		\$0.00

- ☐ Please charge Deposit Account No. 50-0872 in the amount of \$0.00. A duplicate copy of this transmittal is enclosed.

- ☐ A check in the amount of \$0.00 is enclosed.

- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872. If any extensions of time are needed for timely acceptance of papers submitted herewith, applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 50-0872.

DLMR\_276410.1

In re application of  
Matthew Patricelli  
Application No.: 10/049,164  
Page 3 of 3

Atty. Dkt. No. 063391-0202

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

Date 10/14/05

By SEP E. L

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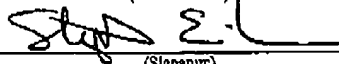
Stephen E. Reiter  
Attorney for Applicant  
Registration No. 31,192

OCT 14 2005

Atty. Dkt. No. 063391-0202

***IN THE UNITED STATES PATENT AND TRADEMARK OFFICE***

Applicant: Matthew Patricelli  
Title: ACTIVITY BASED PROBE  
ANALYSIS  
Appl. No.: 10/049,164  
Filing Date: 10/21/2002  
Examiner: S. Haq  
Art Unit: 1641  
Conf. No. 6075

<b>CERTIFICATE OF FACSIMILE TRANSMISSION</b> I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office, Alexandria, Virginia on the date below.  Stephen E. Reiter (Printed Name)  (Signature)  October 14, 2005 (Date of Deposit)
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**SUPPLEMENTAL COMMUNICATION**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In further response to the Non-Final Office Action dated May 3, 2005, and in view of the telephone conference dated October 6, 2005, please consider the following amendments and remarks.

**Listing of Claims** begins on page 2 of this communication.

**Remarks** begin on page 8 of this communication.

DLMR\_276199.1